

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Channel Lineup Requirements – Sections)	MB Docket No. 18-92
76.1705 and 76.1700(a)(4))	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

As part of its “media modernization” initiative, the *Notice of Proposed Rulemaking* questions the need for retaining the Commission’s decades-old rules that require cable operators to list the cable television channels provided to subscribers.¹ While all commenters agree that it no longer makes sense to require cable operators to keep this list at their local office,² certain commenters conjure up reasons for continuing the requirement to keep this list in a cable operator’s online public file. None of the purported justifications for retaining this unnecessary paperwork requirement holds water.

NAB – even though it has repeatedly argued in favor of reducing paperwork burdens on broadcasters by pointing to the availability of alternative sources of information³ – sees no

¹ *In re Channel Lineup Requirements – Sections 76.1705 and 76.1700(a)(4); Modernization of Media Regulation Initiative*, Notice of Proposed Rulemaking, ¶ 1, FCC 18-47 (rel. Apr. 17, 2018).

² Comments of the American Cable Association, MB Docket Nos. 18-92 & 17-105, at 2 (filed May 31, 2018) (“ACA Comments”); Comments of the National Association of Telecommunications Officers and Advisors, MB Docket No. 18-92, at 2 (filed May 31, 2018) (“NATOA Comments”); Comments of Alliance for Community Media, MB Docket No. 18-92, at 1-2 (filed May 30, 2018) (“ACM Comments”).

³ *See, e.g.*, Comments of National Association of Broadcasters, MB Docket Nos. 18-92 & 17-105, at 12 (filed May 31, 2018) (proposing that the Commission eliminate children’s television reporting, arguing that it serves “no significant purpose. How many members of the viewing public ever look at these Reports, despite their easy online accessibility? . . . Especially in this day of electronic program guides, no rational person would consult these Reports to plan their children’s viewing . . .”); Reply Comments of National Association of Broadcasters, MB Docket Nos. 17-105, 17634, & 05-6, at 5 and 6 (filed Jan. 16, 2018) (supporting elimination of “outdated and antiquated [broadcast] notice requirements” and noting that “Americans obtain information far differently today than when the notice requirements were initially adopted, with reliance on the Internet transforming how consumers access information.”).

problem with burdening cable operators. First, it claims that it is necessary so that “viewers can ‘comparison shop’ among cable providers using a resource that each operator is responsible and accountable for, rather than third-party sources that may not be accurate, or websites that the operator may (or may not) choose to provide or keep up-to-date.”⁴ Channel line-up information is readily available in myriad ways – including by simply turning on a television set and tuning to a channel, or checking the electronic program guide, or looking at the operator’s website, or perusing a local newspaper’s channel listings.⁵ NAB provides no evidence that these methods are inadequate or that consumers use the FCC-hosted public file to “comparison shop” among cable providers. Moreover, NAB’s makeweight claim is belied by the fact that two of the top four multichannel video programming distributors are DBS providers, which have no government-imposed requirement to make their channel line-up information available at all.

NAB also asserts that this information is needed to determine whether a television station is being carried on the correct channel position.⁶ But requiring cable operators to include this information in a government-hosted public file is not necessary to serve this purpose, either, particularly given the other methods of accessing channel line-up information discussed above. NAB provides no legitimate reason why cable operators – and cable operators alone – should be burdened with this left-over public file obligation.

Some providers of public, educational and governmental access (“PEG”) channels raise a different, but equally meritless, reason for retaining the requirement. For example, the Alliance for Community Media, which represents PEG channel providers, argues that cable operator

⁴ NAB Comments at 2.

⁵ ZAP2IT, *TV Listings*, <http://affiliate.zap2it.com/tvlistings/ZCGrid.do?method=decideFwdForLineup&zipcode=22207&setMyPreference=false&lineupId=VA45514:X&aid=was> (last visited June 1, 2018).

⁶ NAB Comments. at 2-3.

websites might not include accurate listings of the programs aired on PEG channels.⁷ But this argument is misplaced. FCC rules contain no requirement that cable operators describe the programs of *any* of the channels carried. Thus, eliminating the requirement to include channel line-ups in the public file will not impact PEG providers.

Finally, NATOA argues for requiring operators to retain a “reasonable history of channel lineups” in their public file requirement so that consumers, LFAs and the FCC can verify compliance with other rules and obligations.⁸ The public file rule at issue here requires only that operators maintain a “current listing” of cable television channels delivered to customers.⁹ NATOA’s reasoning would impose new burdens on cable operators – precisely the opposite of the intent of this media modernization effort.

CONCLUSION

For the foregoing reasons, and for the reasons stated in NCTA’s initial comments in this proceeding, the Commission should eliminate its requirements that cable operators retain copies of their channel line-ups at their local office and in their public inspection file.

Respectfully submitted,

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⁷ ACM Comments at 2-3. *See also* Comments of CCTV Center for Media & Democracy, MB Docket No. 18-92, at 1-2 (filed Apr. 9, 2018) (arguing that in Vermont, “we cannot presume that our channels and their program details will be found” on the local cable system).

⁸ NATOA Comments at 3.

⁹ 47 C.F.R. § 76.1700(a)(4).